IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5994 of 2007()

CMP.5294/2007 of J.M.F.C.,MAVELIKKARA
[CRIME NO.391/2007 OF MAVELIKKARA POLICE STATION]

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: PETITIONER/2ND ACCUSED

BIJU @ THOMMI,
KALLELIL PARAMBIL, WEST GANAPATHI TEMPLE,
MAVAELIKKARA MURI, MAVAELIKKARA.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,
MAVELIKKARA POLICE STATION,
MAVELIKKARA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5994 of 2007

Dated this the 8th day of October 2007

O R D E R

Application for regular bail. The petitioner is the second accused. The alleged incident took place on 26/8/2007. The petitioner was arrested on 1/9/2007. Investigation is in progress.

2. The petitioner faces allegations under Sections 307 and 324 I.P.C. There are altogether three injured persons. The injured persons, after taking food from a restaurant, were coming out. The petitioner, along with the co-accused, allegedly attacked them using a dangerous weapon. They allegedly questioned the injured persons as to why they had teased a woman. Thereupon a murderous attack was unleashed on them with dangerous weapons. The injured persons have suffered serious injuries. One of them is still in the I.C.U. Investigation is not complete.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The version of the complainant is totally unbelievable. The petitioner may, in these circumstances, be enlarged on bail, it is prayed.

4. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner was not named in the F.I.R; but in the course of investigation, his identity was ascertained and the petitioner has been arrested. The co-accused

has not been arrested. In as much as one of the injured persons is still in the I.C.U battling for his life, the petitioner may not be enlarged on bail. The petitioner has questionable antecedents. He is an accused in a 302 case already. Release of the petitioner on bail at this juncture would frustrate the interests of a proper, efficient and expeditious investigation. This petition may now be dismissed, prays the learned Public Prosecutor.

5. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I agree with the learned Public Prosecutor that investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

6. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court for bail again at later stages of the investigation not, at any rate, prior to 23/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007